

State of New Hampshire Banking Department

In re the Matter of:)Case No.: 08-384
State of New Hampshire Banking)
Department,)Motion to Vacate
Petitioner,)
and)Motion To Vacate Only as to
Elliot A. Willard (d/b/a Family)Respondent Gilbert W. Cox
Mortgage Company), Elliot A. Willard,)
and Gilbert W. Cox,)
Respondents)

MOTION TO VACATE

Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above captioned case, and moves to vacate the Order to Show Cause with Immediate Suspension and Cease and Desist Order ("Order") in this matter and for cause states as follows:

1. Respondent Gilbert W. Cox ("Respondent Cox") was properly served on or about November 15, 2008.
2. Since the advent of the Order, the New Hampshire Banking Department ("Department") has received additional information that renders Respondent Cox's liability in this matter moot since he properly paid the administrative fine owed to the Department pursuant to the November 29, 2007 Consent Order for Docket 07-283.

1 3. The Department's receipt of this additional information has rendered
2 Respondent Cox's liability in this specific matter (Docket 08-384)
3 moot.

4 4. Respondent Cox is not personally liable for examinations fees
5 assessed to Respondent Family Mortgage Company since he is a Branch
6 Manager for the 410 South Main Street, Concord, New Hampshire branch
7 office of Elliot A. Willard (d/b/a Family Mortgage Company)
8 ("Respondent Family Mortgage Company") and has no ownership interest
in Respondent Family Mortgage Company.

9 5. Based on the above factors, the Petitioner now wishes to withdraw
10 only as to Gilbert W. Cox the November 12, 2008 Staff Petition that
11 initiated the Order against Respondents Elliot A. Willard (d/b/a
12 Family Mortgage Company), Elliot A. Willard and Gilbert W. Cox.

13 6. Respondents Elliot A. Willard (d/b/a Family Mortgage Company) and
14 Elliot A. Willard are heretofore still named Respondents and the
15 Order is still valid as to those named Respondents.

16 Wherefore, Petitioner respectfully prays:

17 A. The Commissioner vacate the Order only as to **Respondent Gilbert W.**
18 **Cox** in this specific matter; and

19 B. Grant such other relief as is just and in the public interest.

20 Respectfully submitted by:

21 /s/
22 Maryam Torben Desfosses

11/25/08
Date

ORDER

Finding it in the public interest, the requested relief is hereby **GRANTED**.

The Cease and Desist Order in 08-384 as to Respondent Gilbert W. Cox only is hereby **VACATED** this 25th day of November, 2008.

/s/

Peter C. Hildreth
Bank Commissioner